

561

From: "Brian Cauty"
To: <constitutionalreview@justice.govt.nz>
Date: 19/04/2013 5:40 p.m.
Subject: My Submission

To the Constitutional Advisory Panel:

19/4/13

The Treaty of Waitangi is a very important document.

The suggestion that it is our founding document is an assumption .

Nowhere in its clauses is there any suggestion that Maoris should be entitled to enjoy any preferential or discriminatory treatment or privileges over any other citizen or race in New Zealand.

Any attempt to promote or include the above in the new New Zealand Constitution and to enshrine such discriminatory privileges in all New Zealand laws is guaranteed to provoke acrimonious resentment which will rapidly lead to violent confrontation , economic and social destruction .

New Zealand is not a Bi -Cultural nation, it is a Multi - Cultural nation and the Constitutions principles must reflect this fact if we are to move forward as one nation.

Every individual New Zealander must be equal in the eyes of the law and the constitution must reflect that regardless of ethnicity.

The only thing more abhorrent than racial discrimination , is those Maoris who choose to insist on it.

I believe that the New Zealand Government should be bound by Citizens Based Referendums on important issues which effect the majority of people.

That 100 days should expire before any new laws enacted by Government become binding thereby giving the New Zealand public time to react and vote on a binding referendum when contentious issues are at stake. For example "The anti-smacking law" when a referendum was ignored by Government when 85% of the voters were against it.

Democracy and basic human rights must be seen to be working in any new Constitution.

Brian Cauty

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2373

From: "Jeannette Cavanagh"
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 10:08 p.m.
Subject: CAP Submission

I firmly believe we should abolish Maori seats. Having specific Maori seats is racist and causes separatism. We are a small country and need to be united with common goals for the good of all New Zealanders, not just a select few.

Sincerely,

Jeannette Cavanagh

Hamilton

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2373a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 10:23 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Jeannette H K Cavanagh Organisation Name: Email: :
Phone: Postal AddressA : Postal AddressB: Postal City:
Postal Region: Waikato Postal Post Code: Postal Country: New Zealand Submission:
What I want for new Zealand is equality for all New Zealanders and not special legislative control
given to one sector of our community. This country, the land, the sea, the air, the mountains, rivers,
roads - belong to every New Zealander. What happened
over 100 years ago is the past. IF we are to succeed as a country then we have to be united as one.

Sent on the 3 July 2013 at 22:22

5107

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:45 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Mary Cavanagh Email: Phone: Postal
AddressA: Postal AddressB: Postal City: Christchurch Postal
Region: Canterbury Postal Post Code: Postal Country: New Zealand Submission:
Through education it has taken more that one hundred years for Pakeha New Zealanders to
understand and grasp the significance of the Treaty of Waitangi ie that the Treaty of Waitangi is the
founding document of our country. Any New Zealand constitutional

arrangement needs to be Treaty based.

Submitted on the 16 June 2013 at 15:55

861

From: Cave
To: <constitutionalreview@justice.govt.nz>
Date: 17/05/2013 8:00 p.m.
Subject: NZ constitution

My submission regarding the NZ Constitutional Review, is that I want no change to New Zealand's unwritten constitution.

It has served us well since the 1852 NZ Constitutional Act was passed.

It may require changes, but not a race based Constitution.

Equality for all. One people. One Nation.

J. Cave

3649

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 16/07/2013 8:50 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names:	Murry Cave	Organisation Name:		Email:		Phone:	
	Postal AddressA:		Postal AddressB:		Postal City:		
Greymouth	Postal Region:	Postal Post Code:		Postal Country:	New Zealand		
Submission: 1. The term of parliament should be 4 years							

2. Fundamental principal is 1 person 1 vote
3. Maori seats should be abolished now that we have MMP
4. We should become multicultural and multilingual not bicultural/lingual
5. The treaty has no place in the constitution, once the "full and final land settlements are made it should be removed from any legal standing.
6. The bill of rights Act is find and doesn't need amending.
7. Parliament must remain the highest legislative body, the role of the courts is to interpret the laws made by the peoples representatives not make them.
8. No special place should be made for any ethnic group in any local or national representational body. W.R.T the note in the guide p9, New Zealand Maori should not have more weight in presenting views and perspectives that New Zealand Chinese, New Zealand Caucasian, New Zealand Burmese/Vietnamese/Cambodian/Thai or other ethnic group.

Submitted on the 16 July 2013 at 20:49

4214

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 3:49 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Ron and Janet Cave Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Kerikeri Postal Region: Northland Postal Post Code: Postal Country: New
Zealand Submission: Thank you for the opportunity to make a submission on our Countries
constitution.

A large concern is the way that successive Governments have widened the gap between Pakeha and Maori, we are one people! We are but two strands of what is now a multi cultural society. One is not better than the other.

Years of massive hand outs to Maori have not improved their lot. Time to try something else. We suggest that by treating everyone the same Maori will once again be accorded the respect that they had when we were children.

Do not widen the gaps between us we beg you!

Ron and Janet Cave

Submitted on the 30 July 2013 at 15:48

4559²

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 1/08/2013 5:31 p.m.
Attachments: Submission.docx

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Isabella Cawthorn Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: WELLington Postal Post Code: Postal Country:
New Zealand Submission: Submission Upload: Submission.docx

Submitted on the 1 August 2013 at 17:30

The constitution conversation - a submission

My name is Isabella (Bella) Cawthorn. I'm born and raised in Plimmerton, Porirua, and have lived in Aotearoa New Zealand all my life. Plimmerton is my turangawaewae. I'd like to travel more but want to live here long-term. My thoughts about our constitution are informed by what I'm proud of and not proud of about our nation, what I think it could be in the future and what I see being threatened. My thinking is clarified by having a law degree and a Masters in environmental studies, having worked in the public service, and also by cycling to get around, and being a founding member of Frocks On Bikes. I'd like to be part of the next step from the constitution conversation.

Where to from here – aspirations for Aotearoa - New Zealand

It's crucial that this review goes somewhere, because we (Aotearoa – New Zealand) need to have some good hefty discussions with each other, and a proper think about a lot of important things. We're drifting and muddling along right now and if we talk these through and decide what aspects of Aotearoa - New Zealand we want to protect with stronger constitutional frameworks, there are huge benefits:

- 1. we'll put ourselves in a much better position to tackle issues before they become problems*
- 2. we'll make sure our nation's development on important matters is driven by the right forces – popular will, informed debate with facts and science and clear tradeoffs – rather than by interest groups and assumptions that what benefits them will benefit Aotearoa - New Zealand.*

I urge the Constitutional Review to make sure the outcome of this consultation is not a bland reporting of the obvious - "there is a great variety of views in NZ" – but something that sparks action. This is a superb initiative and it would be a tragedy if it went no further than such a report.

A few thoughts on why it's important to have a clear-headed discussion and debate about what constitutes our constitution – and what should be protected.

NZ is unlikely to suffer the discrete and startling challenges to constitutionality that the likes of Turkey are experiencing. Our constitution's vulnerability is to incremental creep. This will happen as all manner of executive initiatives are promulgated gradually with ostensible "democratic mandate", but which may be gradually undermining our nation's fundamental tenets - and we will only really notice and protest when it's too late.

A few areas spring to mind where Aotearoa - New Zealand is at risk of sleepwalking down a constitutional path we may regret: Regulations and laws relating to the internet and web 2.0 technology, environmental management and planning, identity and citizenship, the welfare state, the powers of ministers vs independent public service.

Substantive matters:

Four-term parliamentary cycle

I don't support this. At present, there is very little that's tangible holding government to account, and the strongest tool the public have is the vote. This is a blunt instrument for the voter but it's the best we have.

A longer, rather than shorter cycle is only working well in countries that have other checks and balances on their government, which are much weaker in Aotearoa - New Zealand.

A four-term cycle will come at a real cost to democracy, and will not solve the alleged problem – there being too little time until the opposition gets voted in and undoes everything.

This problem may even be worsened, as eventually incoming governments would take stronger

curative or purgative action undoing those of their predecessors’ policies that they dislike the most. This will mean slightly more extreme “binge and purge” government policy cycles which will further impede the public service’s ability to do good.

(The cure for this problem is elsewhere: government policy that is less ideologically driven, based more on evidence,¹ and with better popular support and understanding. Then there will not seem to be the need to clean the slate every time a new government comes in, nor scramble to push something through before the government changes. The other aspect of this cure is the public service being and feeling able to push back against the increasing trend for ministerially-driven, ideologically motivated policy which has neither strong evidential support nor decent public support.)

Sustainability: worth constitutional protection

Sustainability² is a classic example of something that fundamentally undergirds society’s prosperity and wellbeing, but which is at constant risk as society sleepwalks down a path of natural capital loss.

We have much more natural capital at stake than many nations with longer histories of human settlement and industry, and we also have advantages like good governance, a strong economy and high education, and modern awareness of natural capital’s importance. Despite all this, we are losing our natural capital stocks much faster than many of these other countries.

If any nation can and should be able to retain a good natural capital base and high citizen wellbeing, it’s Aotearoa - New Zealand, but we need to protect it constitutionally and do so carefully. Some thoughts on why this is so:

- While we understand well the limitations of the market in effecting even a *socially* optimal distribution of natural resources, people’s inherent limitations³ mean that a wholly democratic process would be as dangerous.
- At present we have an ineffectual combination of democracy, pure-market mechanisms and regulation, with some good elements but overall puts us at very high risk of stumbling and muddling down some paths of no return.
- Efforts to simplify the issue and engage people typically misrepresent the policy options - for example as binary tradeoffs between environment vs the economy, or myths of substitutability between natural and social or industrial capital – which encourages poor decision-making while purporting to inform the public.

Aotearoa - New Zealand’s sustainability would benefit hugely from the kind of discussions a constitutional project should drive: a “meaty”, comprehensive and inclusive public discussion informed by well-communicated science and with clear distinctions between science and policy choices.

This alone would benefit us, but constitutional-grade protection of sustainability would secure the base of our prosperity in perpetuity.

¹ This means real evidence such as longitudinal studies and genuine, multi-disciplinary research, not “evidence” from biased think-tanks or trusted advisors having discreet meetings with ministers in the Koru Club

² using one of the definitions centred on natural capital, ecological functionality and resilience

³

The human mind is poorly configured to properly understand the risks and probabilities and the complex phenomena involved, and experts’ communication of the issues is often lacking.

How we might incorporate sustainability into a constitutional framework: some ideas

The governance aspect will be important, as ecological limits are not defined by popular will – they exist independently of our awareness of them. At some point we'll have to agree matters such as

- by what means actors in our society will be made to respect environmental limits (e.g. with what checks and balances, with what information thresholds)
- how to make sure the impacts of restricting our activity are spread fairly across society
- how to ensure an appropriate time horizon is used for true sustainability

Some options might be by incorporating (some of) the following into some constitutional framework:

- an obligation not to infringe future generations' rights to an ecologically sound country (ecological functionality would be scientifically defined, with known limits but also enforced by courts)
- an obligation not to reduce / to retain genuine option value for future generations
- an obligation not to reduce the nation's stocks of natural capital
- an obligation to have properly investigated and communicated the options (e.g. test for judicial review)
- an obligation to present *all* the truly viable options or solutions, rather than just those visible to someone with an "economy vs environment" (in other words, avoiding binary tradeoffs between "economy" and "environment" if there are more sophisticated options between these extremes which would be comparative win-wins)

2287

From: chascecil <
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 4:19 p.m.
Subject: CAP Submission

The Maori Seats should be abolished as soon as possible. The advent of the Maori Party and Mana Party give Maoris the opportunity to be represented in Parliament should they so wish. Further, Maoris along with anyone else are entitled to stand for any electorate seat.
To retain the Maori Seats is supporting apartheid in reverse.

Charles Cecil

4941

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/07/2013 9:00 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Michael Peter Cecil-Gibson Organisation Name: Putnam Street Residents'
Association Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Wellington Postal Region: Postal
Post Code: Postal Country: New Zealand Submission: I submit that: every List M.P.
should have a constituency & that, under certain circumstances, a bye-election should be held in that
constituency to consider replacing that M.P.

1/ "List" constituencies would be land-based. They would not overlap in the way that Maori
constituencies presently overlap with non-Maori constituencies. The rules for their boundaries should
be broad if not loose.

2/ Voting at a General Election would be unaffected. However, each candidate on a Party's list would
be 'labelled' with a "List" constituency.

3/ "Certain circumstances": under certain circumstances, a bye-election should be held in a "List"
constituency to consider replacing that M.P.

The circumstances would include the death or resignation of the List M.P. or a parting of the ways
between a List M.P. & the Party under whose banner the List M.P. entered Parliament.

4/ The "List" bye-election would be conducted in the simplest possible way e.g. by postal ballot &
involving (for better or worse) the same roll as in the previous General Election.

Rationale: List constituencies would restore a return to the traditional link between citizens & an M.P.
They would also provide a more sensible way of dealing with the problems which occur on the demise
of a List M.P.

Submitted on the 26 July 2013 at 09:00

2928

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 8/07/2013 7:16 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Submission - Isidore JinCha.docx

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names:	Isidore Jin Cha	Organisation Name:	Email:	Phone:
	Postal AddressA:		Postal AddressB:	Postal City:
Auckland	Postal Region:	North Island	Postal Post Code	Postal Country:
Submission:	Submission Upload:	Submission - Isidore Jin Cha.docx		

Sent on the 8 July 2013 at 19:15

SUBMISSION TO THE 2013 CONSTITUTION CONVERSATION – BILL OF RIGHTS ACT

Author: Isidore Jin Cha
Student of Political Studies and Law
University of Auckland

My argument that the New Zealand Bill of Rights Act 1990 (NZBORA) should have a higher legal status and be upheld by the Judiciary, as opposed to the Legislature, consists of two parts. Firstly, I present and defend John Finnis' interest-theory justification of human rights and NZBORA. Secondly, Ronald Dworkin and Jeremy Waldron's debate on judicial review is examined, and I give reasons why Dworkin prevails. Furthermore, in applying interest-theory and Dworkin's arguments to NZBORA, I evidence the relationship between the legal status of NZBORA and the protection of human rights in New Zealand. To this end, New Zealand case judgment of *R v Pora* and New Zealand's commitment to the International Covenant on Civil and Political Rights (ICCPR) are considered.

Moral Justification of Human Rights and NZBORA

Human rights' legitimacy stems from their status as moral rights. A fundamental philosophical claim required to justify this is that there exists a universal and inalienable pre-social moral order that is rationally identifiable. Correspondingly, Finnis' interest-theory conception of human rights identifies seven social and biological conditions as being *universal*, *inalienable*, and rationally *self-evident* human interests¹, because they are basic requirements of social life and individual fulfilment that promote human flourishing².

These basic interests are what human rights laws, including NZBORA, *philosophically* rest upon and should *practically* achieve. For example, the "inherent right to life"³ of a person upholds a basic interest of self-preservation which all rational humans share. To this end, correlative duties to such a right are imposed upon entities best placed to realise this right. Usually, this is the government which the right-holder resides under. In addition, a right to life grants both positive and negative rights to the right-holder against the state, such as the provision of food and water, and freedom from physical harm. In summary, it is this practical, instrumental value of protecting basic interests which justifies human rights laws; human rights, without laws to enforce them, would remain merely nominal.

Waldron's Objection to Judicial Review and Dworkin's Rebuttal

Dworkin and Waldron's debate engages the relationship between the Judicial and the Legislative branches of the government, and whether judicial review or parliamentary supremacy better represents the principles of democracy. Waldron's two main objections to judicial review are that having the legislature's enactments be the final word gives a clearer and more predictable view of the law, and judicial review undermines individuals' voting rights. These arguments stem from the fact that the Legislature's legitimacy is rooted in their election by the people in a democracy. Therefore, for unelected judges to have the final say on the law is undemocratic.

¹ What he calls 'basic forms of human *good* [emphasis mine]'.

² These basic interests are: "life and its capacity for development; the acquisition of knowledge, as an end in itself; play, as the capacity for recreation; aesthetic expression; sociability and friendship; practical reasonableness, the capacity for intelligent and reasonable thought processes; and finally, religion, or the capacity for spiritual experience."

³ As affirmed by Article 6 of ICCPR and Section 8 of NZBORA.

However, because the influence of any individual on national decisions is so statistically insignificant, judicial review cannot be said to objectionably diminish individuals' voting rights. But even if it did, Dworkin rebuts Waldron's objections by showing judicial review to be both more moral *and* more democratic. Judicial review's intervention on the legislature acts as a safeguard for rights. More specifically, it allows judges to give a right-centred, moral reading of legislation- a process which prioritises reaching the *right answer over problem solving*⁴.

Moreover, this exercise of moral reading is an integral part of constitutional practice that is "[i]ndispensable to democracy". Judges do not make judgment on a whim; it must be framed by their interpretation of the constitutional law, as enacted by the legislature, and be construed within a "constitutional integrity". Another reason to prefer judicial review in issues of individual rights is in judges having to give explicit reasoning of their judgments for each case. Such consideration of an individual's human rights cannot happen within a legislative process.

NZBORA's Inadequate Legal Status

I now focus my discussion on the current inadequacies of NZBORA's instrumental function as a human rights law. While the contents of NZBORA uphold the said basic human interests⁵, its practical capacity to do so is precarious under its legal status as an ordinary legislation. In cases where NZBORA conflicts with other legislations, there is no guarantee that the courts will uphold NZBORA. Furthermore, the parliament can, in effect, abolish NZBORA by enacting clearly and directly conflicting legislations, in which case the courts have little option but to nullify NZBORA⁶.

⁴ Dworkin, in objecting to Waldron's argument that legislative enactments give clearer laws, writes, "[t]he best institutional structure is the one best calculated to produce the best *results* [emphasis mine]".

⁵ In giving effect to New Zealand's covenant to ICCPR, NZBORA protects the public's Rights of Life and Security of the Person; Democratic and Civil Rights, Non-Discrimination and Minority Rights; and Rights with respect to Search, Arrest, and Detention (New Zealand Government, 1990).

⁶ Lord Cooke of Thordon proclaimed that "[NZBORA] is regarded internationally as one of the weakest affirmations of human rights" (Lord Cooke, April 2000, pp. 7-8). Similarly, the Human Rights Committee of the United Nations has advised the New Zealand government of the inadequate legal status of NZBORA.

This is demonstrated by the enactments of such conflicting legislations⁷ and the subsequent court judgments which deal with the conflict. Perhaps the most serious of these, which also breached the United Nations Universal Declaration of Human Rights, were the enactments of Criminal Justice Amendment Act 1999 and Crimes (Home Invasion) Amendment Act 1999. These two companion acts retrospectively increased the penalties for crimes involving 'home invasion'.

The Court of Appeal in *R v Foran* (2000) unanimously agreed that the enactments violated a cardinal principle of the rule of law⁸. CJ Elias took a right-centred approach in prioritising NZBORA. While the High Court's decision to impose retroactive sanctions was overruled, the Court of Appeal recognised the ordinary legal status of NZBORA⁹ and the implications of their judgement in the face of parliamentary supremacy. If the government had communicated their intent to override NZBORA more clearly, the court would have had no choice but to nullify NZBORA.

Such state of affairs is repugnant to Cecile Fabre's conception a Bill of Rights as constraining the legislature. It seems arbitrary for the state to have the power to amend laws aimed to constrain the state itself¹⁰. To do so would be "driving a wedge between what people legally cannot and must not do *qua* private individuals and what they legally cannot and must not do *qua* [...] members of the legislature". Similarly, conflicts arising between individuals as right-holders and the state should be settled, not by a party of the conflict, but by an independent judge- the Judiciary.

New Zealand's Supreme Bill of Rights

⁷ At least six such conflicting legislations were enacted since the enactment of NZBORA (Palmer & Palmer, 2004).

⁸ A principle also affirmed by Article 15 of ICCPR and Section 26 of NZBORA.

⁹ Sections 4 and 5 of NZBORA explicitly states that NZBORA is not above other enactments.

¹⁰ This includes NZBORA. Section 3(a) of NZBORA reads, "This Bill of Rights applies only to acts done by the legislative, executive, or judicial branches of the Government of New Zealand".

While the New Zealand government is established by the doctrine of the separation of powers, it lacks the checks and balances on the legislature which other countries have, such as a Constitution, an upper house, or a president¹¹. In the current social and legal ethos where the candle of human rights flickers in the face of hastily enacted counter-terrorism and national security laws¹², a supreme NZBORA would be its safeguard. Lastly, on top of the discussions so far, a more practical reason to protect NZBORA is that New Zealand as a nation must not invite the embarrassment of international sanctions by merely window dressing its covenant to ICCPR.

Conclusion

The function of human rights is to uphold *universal* and *fundamental* human interests, and the confirmation of such rights in the New Zealand Bill of Rights Act 1999 gives practical effect to it by holding governments responsible for protecting their citizen's rights. However, the Act's function and effectiveness must be protected from the legislature by its status as a supreme law, and it is the rightful duty of the judiciary to keep checks and balances on the legislature, especially in matters of human rights laws aimed at constraining the government.

Bibliography

¹¹ It is prudent here to note that Waldron accepts his objection to judicial review is not absolute; it is premised on a number of conditions, one of which is that the "society in question has good working democratic institutions". It is plausible that he may consider the lack of checks and balances on the New Zealand parliament as not satisfying that premise.

¹² Examples of such laws are prevalent around the world. In New Zealand, the case of Ahmed Zaoui and the issue of Security Risk Certificate illustrate this point.

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3123

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

I am concerned that all our human rights are not adequately protected in New Zealand law.

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

I believe civil and political rights, such as the right to life, cannot truly be achieved without the equal right to work, accessible health care, adequate housing and education, which are enshrined in the concepts of economic, social and cultural rights.

Despite having ratified the International Covenant on Economic, Social and Cultural Rights in 1978, successive New Zealand Governments have failed to fulfill their obligations to respect, promote and fulfil these human rights.

While the Government says economic, social and cultural rights are currently protected by subject specific statutes, current issues involving these rights, such as child poverty, show that the current system is not working to adequately protect our rights. The maze of laws and policies around economic, social and cultural rights make it difficult for New Zealanders to understand and access their rights.

Without a clear framework to guide legislation and policy it also makes it difficult to see if laws policies are actually working to recognise New Zealanders rights. In addition many human rights in New Zealand lack avenues to remedies if they are breached, which limit New Zealanders' access to justice - an essential right of victims of all human rights violations.

I therefore submit the following recommendations:

- The incorporation of economic, social and cultural rights into the Bill of Rights Act 1990;
- The entrenchment of the Bill of Rights Act 1990 so that the weight and importance of these rights is adequately recognised;
- The explicit inclusion of the power for judges to provide remedies when the Bill of Rights Act is violated;
- That New Zealand ratify the Optional Protocol for International Covenant of Economic Social and Cultural Rights, including opting in to its inquiry and inter-state mechanisms, so that New Zealanders have access to an international remedy;
- The establishment of a Human Rights Select Committee to ensure that the impact of legislation on human rights is sufficiently considered;
- The requirement of all levels of Government to take a human rights approach to addressing human rights issues; and
- Increased human rights education initiatives to increase awareness of economic, social and cultural rights.

I believe these recommendations will provide for stronger protections within our constitutional framework for economic, social and cultural rights.

Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty.

New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Nimisha Chabba
Auckland
New Zealand

5009

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 27/07/2013 2:52 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Gordon Hugh Challies Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Nelson Postal Region: Tasman Postal Post Code: Postal
Country: New Zealand Submission: I submit that in the Bill of Rights the meaning of 'Right to Life'
should be defined to mean all human life from conception to death.

Submitted on the 27 July 2013 at 14:51

3969

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 5:54 p.m.
Attachments: bill of rights.docx

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Brent Chalmers Organisation Name: n/a Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Lower Hutt Postal Region: Wellington Postal Post Code:
Postal Country: New Zealand Submission: Submission Upload: bill of rights.docx

Submitted on the 28 July 2013 at 17:53

1. Does the Bill of Rights Act protect your rights enough? Why?

No. It is too easy for Parliament to either alter or ignore the law.

2. What other things could be done to protect rights?

Make it a supreme law and/or part of the constitution

3. Do you think the Act should have a higher legal status than other laws (supreme law)?
Why?

Yes – to ensure laws comply with it

4. Who should have the power to decide whether legislation is consistent with the Act:
Parliament or the Courts? Why?

The courts, as it is consistent with our current constitution and separation of power principles

5. What additional rights, if any, could be added to the Act? Why?

the right to a healthy and ecologically balanced environment

The rights of children to be protected

Property rights not to be arbitrarily taken

The rights to an adequate standard of living

4060

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 3:35 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Brent Chalmers Organisation Name: n/a Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Wellington Postal Post
Code: Postal Country: New Zealand Submission: I think there should be a duty within
the constitution for the executive to demonstrably plan and act for the long term (ecological, financial,
social etc) benefit and sustainability of New Zealand and New Zealanders. That is, future New
Zealanders should
continue to enjoy any rights (and be bound by any obligations) set out in the constitution, and that
decisions made in the present should not compromise those future rights and obligations.

Submitted on the 29 July 2013 at 15:34

4060a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 4:02 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Brent Chalmers Organisation Name: n/a Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Wellington Postal Post
Code: Postal Country: New Zealand Submission: 1. What are your aspirations for
Aotearoa New Zealand?

- That we lead the world in long term, integrated, sustainable planning and execution
- That we thrive in post peak-oil world
- That there is strong social cohesion across society
- Communities are strong and resilient
- The NZ brand represents integrity
- We are recognised by the quality of our leadership

2. How do you want our country to be run in the future?

- An informed and active citizenry participate in debate and hold the executive to account for planning and executing for the long term
- There are balanced measures of progress across a (small) number of indicators for the country representing a number of dimensions (social, financial, ecological etc)
- There are mechanisms in place for communities to be more self-deterministic and self-governing

Submitted on the 29 July 2013 at 16:01

4060b

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 4:05 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Brent Chalmers Organisation Name: n/a Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Lower Hutt Postal Region: Wellington Postal Post
Code: Postal Country: New Zealand Submission: I think the Treaty should be formally
part of the constitution. In my view it gives Maori and non-Maori the right to be here and be governed
by the same laws.

Submitted on the 29 July 2013 at 16:04

4060 c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 4:24 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Brent Chalmers Organisation Name: n/a Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Wellington Postal Post
Code: Postal Country: New Zealand Submission: • How many members of Parliament
should we have?

Why?

120 – I think this is a reasonable number to (a) represent the electorates and (b) carry out the work

• How long should the term of Parliament be?

Why?

4 years – I think the 3 year cycle can be quite unproductive

• How should the election date be decided?

Why?

By law, with the ability to override it by say 75% vote in parliament. This is fairer to all parties and mitigates incumbency advantage. Hustings should occur over a limited and defined period to constrain expenditure.

• What factors should be taken into account when the size and number of electorates are decided?

Why?

I think primarily population – physical access to MP's is becoming increasingly irrelevant with electronic communication. I think there should be an increase in the tolerance band to allow for pragmatic boundaries to be selected.

• What should happen if a member of Parliament parts ways with the party from which he or she was elected?

Why?

In all cases I think the seat should be made vacant. This allows the electorate to re-elect the member as an independent if they were chosen for their personal qualities, or otherwise if it were for the represented party.

Additionally, I think party candidates should publish, on their voting forms, their obligations on voting as it relates to party rules and regulations. Thus voting citizens can consider how much the party might influence members' votes.

Submitted on the 29 July 2013 at 16:21

4949

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/07/2013 11:22 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Linda Chalmers Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Mangere East Postal City:
Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: 1. Do you think our constitution should be written in a single document? Why?

A single legislated document since at present government has the ability to circumvent basic human rights principles because of the complexity of the constitution and the weakness of commission organisations whose authority is rarely if ever mandatory - the sitting government can just ignore it.

Developed government activity is also another complexity of the constitution and a single document may help to improve this also.

2. Do you think our constitution should have a higher legal status than other laws (supreme law)? Why?

Yes - this would help to control executive conduct that is clearly in breach of other legal principles.

3. Who should have the power to decide whether legislation is consistent with the constitution: Parliament or the Courts? Why?

The Courts - A key issue as I have noted is abuse of power in government, particularly the unfettered powers of cabinet to make policy decisions and enact them without democratic process and without purview.

Additional comments - the Treaty of Waitangi should also be included in any unitary document. Any decision to further weaken the Treaty and implications of the treaty will result in a situation similar to Aboriginal peoples of Australia.

Submitted on the 26 July 2013 at 11:21

1199

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 10:57 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Alistar Arthur CHAMBERS Organisation Name: self Email:
Phone Postal AddressA: Postal AddressB: Forrest Hill
Postal City: Auckland Postal Region: Auckland Postal Post Code: Postal Country:
New Zealand Submission: Once Treaty of Waitangi claims are fairly settled, we should become
one people. No Maori electorates or any special privileges. The Treaty should become part of
history. European Asian, African Pacifica; provided we are citizens, we must be equal in all
ways. No race should be able to claim ownership of what nature provides.

Sent on the 9 June 2013 at 10:56

4829

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:37 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Maysie Chan Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Auckland City Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Q1) I believe that our current constitutional arrangements should be collectively placed in one single document for the purposes of accessibility and education for the general public. As I am a firm supporter of the flexible nature of our current arrangements,

I believe that the only extent to which it should be "written down" is for it to be arranged into one single document. But for the reason simply being that all the other countries have one? And it is a sign of our maturity? I don't think those are sufficient reasons to alter a system that ain't broke.

2) Having done a fair bit of reading about NZ's Constitution, I am an ardent opponent against the constitution being entrenched or being made into Supreme Law. Perhaps the US is an extreme example, but their problems with interpreting and determining whether such issues as homosexuality and gun control only reflect how problematic it is when we base our decisions on words that had a different meaning and purpose historically. The right to bear arms now for example, was intended during a time of civil war yet it is being used to justify gun extremism. Simply, its original intent is lost in a different societal context. Additionally, it is paternalistic to lock in future generations to abide by our current values. As society grows and adapts to new developments, the fundamental guiding principles held by society sometimes needs to be flexible enough to alter with it.

3) This is difficult and I have no clear cut response. Naturally, Parliament as our democratically elected representatives should have the overriding right to make legislation consistent with the constitution on behalf of us all. Yet issues such as the Foreshore and Seabed Act 2004 show us that this power can be overstepped. The courts can act as a check on Parliament as they have done in the past, but I am inclined to feel that it is Parliament who should be responsible as they are accountable to the people and under political pressure. Often subsequent governments can or will alter unpopular legislation that was made before it when it comes into power. I feel more control can be held over constitutional matters when left to Parliament as opposed to the Courts where the judges are less accountable to the public.

Submitted on the 31 July 2013 at 16:37

5015

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 10:23 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Neil Chandler Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Christchurch
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: New
Zealand needs a constitution so that government powers are enumerated and limited. With no
general grants of power. The US Constitution lists the powers that the government has (eg Post
roads, post offices etc) but a couple (Interstate Commerce Clause,
General Welfare Clause) are now used to do anything the government feel like.

What's the point of saying "government can only do A, B, C, D, E, and anything they want"? Why not
just say "Government can do anything they want"?

Presently whatever can be passed by parliament is legal. A constitution should make the government
only do things it is expressly authorized to do.

Unlimited, non enumerated powers lead to ever increasing laws, rules and regulations that we are
required to obey. How can we say we have a Free Country when there are hundreds of thousands of
rules/laws/regulations that must be obeyed? And more and more every
year? This is how freedom dies, by the death of a million cuts.

If we end up with a constitution it will need to have penalties (removal from office, treason charges) for
MP's who introduce bills that are unconstitutional or against the Bill of Rights.

Having the legislature police itself as to the constitutionality of the laws they pass is a terrible idea.
Will I be able to police my own actions? Anyone can see that that is a recipe for a rubber stamp. "Yes
we investigated ourselves and found we had done
nothing wrong."

The other option, having the Judiciary (AKA government appointed lawyers) rule on the
constitutionality isn't the best idea either. Having one branch of government investigate another
branch of government is still government investigating itself. How about
a random selection of citizens decide on it? A simple reading of the proposed law/rule/regulation
(which would have to be in plain, easily understandable English otherwise how can citizens obey it if
they can't understand it?) and comparing it to the list
of powers that government has will show whether it is ok or not.

These laws/rules/regulations are enforced upon the citizens so need to be understandable to them
and agreed by them that they are not unconstitutional.

Voting once every 3 years is not enough.

Submitted on the 24 July 2013 at 10:23

94

From: .
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 4:11 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Trevor Edgar Chandler Organisation Name: Email: .
Phone: Postal AddressA: Postal AddressB: Postal City:
Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: We are now in the 21st Century and every bonafide NZ 'r has the right to vote, the general electoral roll ensures this. So, why should there still be a seperate roll for Maori especially when they make up only (roughly) 30 percent of our population.

Carrying on with this system the Island and Asian populations will soon be entitled to seperate rolls.

For goodness sake ,one peo,le one roll!

Sent on the 8 April 2013 at 15:10

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

I am concerned that all our human rights are not adequately protected in New Zealand law.

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

I believe civil and political rights, such as the right to life, cannot truly be achieved without the equal right to work, accessible health care, adequate housing and education, which are enshrined in the concepts of economic, social and cultural rights.

Despite having ratified the International Covenant on Economic, Social and Cultural Rights in 1978, successive New Zealand Governments have failed to fulfill their obligations to respect, promote and fulfil these human rights.

While the Government says economic, social and cultural rights are currently protected by subject specific statutes, current issues involving these rights, such as child poverty, show that the current system is not working to adequately protect our rights. The maze of laws and policies around economic, social and cultural rights make it difficult for New Zealanders to understand and access their rights.

Without a clear framework to guide legislation and policy it also makes it difficult to see if laws policies are actually working to recognise New Zealanders rights. In addition many human rights in New Zealand lack avenues to remedies if they are breached, which limit New Zealanders' access to justice - an essential right of victims of all human rights violations.

I therefore submit the following recommendations:

- The incorporation of economic, social and cultural rights into the Bill of Rights Act 1990;
- The entrenchment of the Bill of Rights Act 1990 so that the weight and importance of these rights is adequately recognised;
- The explicit inclusion of the power for judges to provide remedies when the Bill of Rights Act is violated;
- That New Zealand ratify the Optional Protocol for International Covenant of Economic Social and Cultural Rights, including opting in to its inquiry and inter-state mechanisms, so that New Zealanders have access to an international remedy;
- The establishment of a Human Rights Select Committee to ensure that the impact of legislation on human rights is sufficiently considered;
- The requirement of all levels of Government to take a human rights approach to addressing human rights issues; and
- Increased human rights education initiatives to increase awareness of economic, social and cultural rights.

I believe these recommendations will provide for stronger protections within our constitutional framework for economic, social and cultural rights.

Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty.

New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Dylan Chandra
Auckland
New Zealand

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Flynn Chandra
Auckland
New Zealand

3124

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

I am concerned that all our human rights are not adequately protected in New Zealand law.

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

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Without a clear framework to guide legislation and policy it also makes it difficult to see if laws policies are actually working to recognise New Zealanders rights. In addition many human rights in New Zealand lack avenues to remedies if they are breached, which limit New Zealanders' access to justice - an essential right of victims of all human rights violations.

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- The entrenchment of the Bill of Rights Act 1990 so that the weight and importance of these rights is adequately recognised;
- The explicit inclusion of the power for judges to provide remedies when the Bill of Rights Act is violated;
- That New Zealand ratify the Optional Protocol for International Covenant of Economic Social and Cultural Rights, including opting in to its inquiry and inter-state mechanisms, so that New Zealanders have access to an international remedy;
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Vivian Chandra
Auckland
New Zealand

948

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/05/2013 7:46 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Monarchy NZ Real Final.docx

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Josh Chandulal-Mackay Organisation Name: Student at Massey University
Palmerston North Phone :
Postal AddressA: Postal AddressB: Postal City: Wanganui Postal
Region: Manawatu Postal Post Code: Postal Country: New Zealand Submission:
Based on the current speculation that New Zealand may some time in the near future become a
republic, I want to make it absolutely clear that I am against this proposal. I think that any future
amended constitution of New Zealand should place important
emphasis on the Monarchy and maintaining the British Sovereign as our head of state. I have
attached an essay outlining my reasons for supporting New Zealand's continual existence as a
Constitutional Monarchy.

I think that our country needs to place more emphasis on the importance of our head of state and
raise awareness for this through education in both primary, secondary and tertiary education, as well
as in the general public. I think that any future written
constitution should include this as a fundamental part of its doctrine. Submission Upload:
Monarchy NZ Real Final.docx

Sent on the 29 May 2013 at 19:45

Josh Chandulal-Mackay

Student I.D

200.161 Is the Institution of Monarchy still relevant in the 21st Century New Zealand or is a Republic more preferable?

16/05/13

Is the Institution of Monarchy still Relevant in the 21st Century New Zealand or is a Republic more Preferable?

Josh B. Chandulal-Mackay

No person under 61 years old can remember ever having a monarch that was not Queen Elizabeth II. Her sense of dedication and duty has instilled in the New Zealand public a great sense of respect for her and more fundamentally, the institution she represents. Despite the undeniable affection felt for the monarchy and Elizabeth II, the question remains as to whether or not the monarchy is still relevant in New Zealand and whether a republic would be a more appropriate system for our constitutional framework. Evidence suggests that the institution of monarchy *is* still relevant in New Zealand due to the advantages of continuity and the importance of maintaining a neutral head of state in our society. The monarchy boasts significant public support and provides unity in New Zealand.

When analysing the importance of contemporary monarchy in New Zealand, it is essential to explore the Treaty of Waitangi and the influence the document has had on New Zealand's constitutional system. Dr. Noel Cox (2008) observes that the Treaty of Waitangi represents "a partnership between Maoridom and the Queen" (p. 15), which supports the theory of unity and tradition provided by the monarchy. A predominant question amongst New Zealanders speculating on whether New Zealand should cease to remain a constitutional monarchy is the issue of the Treaty and how it will be affected by New Zealand becoming a republic. The Republican Movement of Aotearoa New Zealand (RMANZ) references Dr. Cox, "If New Zealand were to become a republic tomorrow it would make no difference to the Treaty of Waitangi. Speaking as a lawyer it's a long established principle that successive governments take on responsibility for previous agreements." Dr. Cox addresses the legal principles of the Treaty but does not examine any of the sentimental values placed on it by the New Zealand public and how its

200.161 Is the Institution of Monarchy still relevant in the 21st Century New Zealand or is a Republic more preferable?
16/05/13

meaning would be changed by the absence of the Crown as the foremost institution in New Zealand. The Treaty of Waitangi is the ultimate source of legitimacy for New Zealand's sovereign powers, which are exercised by the state. (Cox, p. 58).

Continuity provides the basis for one of the main arguments supplied in support of the monarchy's continued existence in New Zealand. The current head of state, Elizabeth II has been reigning for 61 years, longer than the majority of New Zealanders have been alive. Statistics New Zealand (2012) estimate the percentage of people aged over 65 years is 13.3%. This sort of continuity gives stability to the state through the absence of constant change and allows its citizens to identify with the head of state over a long period of time. By contrast in the United States (US) Article II Section 1 of the Constitution states that the US President "shall hold his Office during the Term of four Years." (Kelly & Harbison, 1970 p. 1018). Furthermore, the 22nd Amendment of the US Constitution states "No person shall be elected to the office of the President more than twice" (p. 1095). This means that the US head of state can only be in power for a maximum of 8 years, to put this into perspective a 10 year old would only have just reached legal adulthood by the time that president's second term of office ends. By contrast, a person who was 10 years of age at that time of Queen Elizabeth II's succession would now be 71 years old. This does not necessarily mean that *any* monarch would rule for such a lengthy period of time, as Queen Elizabeth II was only 25 when she succeeded, however it does provide a point of difference from republican countries whose head of state can only be in power for a limited amount of time and based on political popularity. In New Zealand, a president could expect to hold office for a similar period as in the US. With regard to the advantages of continuity, the head of state in New Zealand holds office from the moment of succession until death; this long-term presence means that the citizens of the country in question have a symbolic representative of the state that they can identify with over a long period of time. This could not happen in a republic.

J
Student ID
200.161 Is the Institution of Monarchy still relevant in the 21st Century New Zealand or is a Republic more preferable?
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The RMANZ argues, "Supporters of the Monarchy often state that because the Monarch is above politics, they do not cause the sort of division an elected head of state would. As we have seen, this division is largely fictional." (Monarchy is a source of stability section, para. 3). There is no evidence provided to support this statement and is much easier to find examples of republican countries that *are* divided based on the person who is holding the office of Head of State. The final results of the US Presidential Election measured 62,615,406 votes for Barack Obama and 59,142,004 for Mitt Romney, a divide of 51% versus 47% (CBS News, 2012). These results show that the US is entirely split in its support or lack of support for Barack Obama, its current head of state. This is far from ideal in terms of a unified nation under one banner and as a result means that the head of state is not representing the nation as a whole, the US is effectively split into two separate political camps. A constitutional monarchy avoids this problem. As stated by Monarchy New Zealand, (MNZ) (2011) Queen Elizabeth II is an "apolitical" head of state, which means that she is above and exempt from politics and represents the state as a whole, regardless of its citizens' political leanings. As shown by the evidence above, republics cannot do this in the same way. Having a head of state so heavily entrenched in politics only manifests divisiveness. By having a head of state that represents all people also reduces ethno-political tensions occurring.

Andrew Heywood (1997) says, "The state is more extensive than government...government is part of the state. The state is a continuing, even *permanent* entity." (p. 91). In a republic the head of state is also a fully functioning part of the government and is in power only temporarily. (Whelan & Cook, 1997 p. 26, 27). Heywood's definition emphasises that the state is permanent whereas governments come and go. Therefore, it seems more appropriate that the head of state should exist in a long-term position as a representative of the state as a whole, rather than as nothing more than an elected official in a temporary term. The 61 years of Queen Elizabeth II's reign

200.161 Is the Institution of Monarchy still relevant in the 21st Century New Zealand or is a Republic more preferable?
16/05/13

embodies this viewpoint and encapsulates the idea that the monarchy represents the permanence of the state.

"Token changes are about to be made to the British monarchy to help its chances of survival. The changes are too little, too late." (RMANZ, Royal Succession Bill, para. 1). This quotation illustrates the Republican Movement's reaction to the Royal Succession Bill, which has enforced reformative changes to the rules of succession whereby the eldest daughter of the reigning sovereign is permitted to succeed to the throne without the firstborn male taking precedence. (Morris, 2013). The republican argument attempts to belittle these changes and make them irrelevant whilst equating the reform solely with Britain rather than New Zealand. Dr Sean Palmer, Chairman of MNZ says "The much needed changes to the royal succession bill will remove gender discrimination by allowing women equal right to the throne." (Scoop, 2013). The Royal Succession Bill leads to another fundamental part of the monarchy's relevance in New Zealand, the fact that the institution is able to change and adapt as society progresses. This willingness to change despite the importance the institution places in tradition increases the perception that the monarchy is still relevant in New Zealand and more importantly, that it acknowledges the inequalities of the past. It destroys the common misconception that the monarchy is out of touch with normal people and brings it to a more relatable level in New Zealand society.

There has also been considerable debate in the past based on whether a monarchy or a republic is more expensive for the state. The RMANZ argues that the monarchy is unnecessarily expensive to the New Zealand taxpayer through having to maintain the office and household of the Governor-General, the Queen's official representative in New Zealand. It estimates the cost of maintaining the Governor-General as being around \$7,000,000. By contrast, MNZ argues that the costs for maintaining the Governor-General equates to around \$1 per person per year, which is considerably lower than what is claimed by the Republican Movement. Based on this evidence it is possible to

y

200.161 Is the Institution of Monarchy still relevant in the 21st Century New Zealand or is a Republic more preferable?
16/05/13

conclude that both systems would cost a similar amount in terms of *maintaining* the office and household of each respective role. However it is logical to assume that if New Zealand were to have a president, the costs of his or her domestic and international travel would be far more extensive than that of the Governor-General, which would result in a significant increase in cost, thus a republic would be more expensive for the New Zealand taxpayer.

The monarchy is constitutionally bound to be apolitical and to represent the entirety of New Zealand society; therefore it must be examined with specific reference to the New Zealand public and whether they perceive a monarchy or republic as being a more appropriate system. Judging by polls conducted in the past, retaining the monarchy in New Zealand is supported by a clear majority. An A.C Neilson poll conducted in 2005 found that 66% of respondents favoured the monarchy over a republic (Boyce, 2008). This figure has increased from a comparatively lower figure of 51% in 1996. (Boyce). According to Ritchie & Markwell (2006) a similar poll in "July 2005 it was reported that only 27% of New Zealanders considered the country should become a republic (Scanlon, 2005)." (p. 733). Peter Boyce also observes that there has been a "increased level of support for the monarchy from young adults aged 18-24 between 1996 and 2008." (p. 227). Following the 2010 visit of Prince William to New Zealand the Chair of the RMANZ Lewis Holden admitted a lapse in support for a republic following a poll by Research New Zealand (2010) that estimated support to have dropped to 32%. This evidence clearly suggests that the monarchy retains significant public support, and supports the given thesis statement that the monarchy *is* still relevant.

Based on the evidence collected and analysed, the thesis that the monarchy is still relevant in New Zealand is supported. It is clear that Queen Elizabeth II is a symbol of unity between all people in New Zealand regardless of political or ethnic differences. It is also possible to understand the unique opportunity the monarchy provides to not only allow, but also require an apolitical head of state. It is clear that this could never be offered if New Zealand became a

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republic. Unlike a republican state system, the monarchy provides continuity, which results in New Zealand citizens being able to relate to the monarch over a prolonged period of time and it also displays an ability to adapt to change as society progresses. When weighing up the merits of a republic it is clear that a very logical and well thought out argument is presented; however it does not make the monarchy any less relevant and the evidence presented supports this claim. New Zealand should remain a Constitutional Monarchy.

Josh Chaudhul-Murray

200.161 Is the Institution of Monarchy still relevant in the 21st Century New Zealand or is a Republic more preferable?
16/05/13

Appendix

Definitions and Specialist Terms

Dr Noel Cox stated in his doctoral thesis "A Constitutional History of the New Zealand Monarchy", (2008) that the term "Monarchy" is a constitutional system where the head of state is hereditary; the head of state can be referred to as the "Monarch" or the "Sovereign" and is titled "king" or "queen". The institution can also be referred to as the Crown.

Dr Cox defined a republic as a system in which the head of state is an elected or appointed official. The head of state is usually referred to as a president.

"Sovereign Power" can be defined in the context of a country being a "Sovereign Nation State" whereby the state has supreme executive, legislative and judiciary authority. New Zealand is a Sovereign Nation State and the Crown legitimises that authority.

Andrew Heywood (1997) defines a constitution as being "a set of rules that establish the duties, powers and functions of the institutions of government and define the relationship between the state and the individual." (p. 447).

The term "Constitutional Monarchy" is a reference to the current monarchical system in the UK and all of Queen Elizabeth II's other realms and territories. It means that the monarch has limited powers and rules according to the constitution in a largely symbolic role.

"Succession" is the act of the heir to the throne becoming the monarch, usually when the previously monarch dies.

Josh Chandulal-Mackay

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16/05/13

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Josh Chandulal-Mackay
Student I.D.

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16/05/13

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1786

18 June 2013

(Your address) J.C.S. CHANNON
WANGANUI

WANGANUI

To: The Secretariat
Constitutional Advisory Panel
C/- Ministry of Justice
DX SX 10088
WELLINGTON

SUBMISSION TO THE CONSTITUTIONAL ADVISORY PANEL

Constitution

There is no need for New Zealand to have a Constitution as the present laws, statutes and conventions serve this country well. We currently have one of the most flexible, robust unwritten constitutions in the world.

There is no place for The Treaty of Waitangi in any proposed constitution. I strongly oppose any legislation or reference to the Treaty of Waitangi in any current or future legislation.

If in the future a written constitution is drafted I am strongly opposed to any race based legislation.

Number of MP's

The number of MP's should be decreased and the list system be done away with as being totally undemocratic. List MP's are not voted into Parliament.

Parliamentary Term

The Parliamentary Term must remain at 3 years. This puts the power into the hands of electors to oust a rogue government.

Electoral Integrity Legislation

Democracy needs to be brought back with electorate elected MP's only with no List MP's. If an elected MP does not fulfil the 3 year contract then they must resign and a by-election will need to be held.

Size and Number of Electorates

The number of Electorates in both the North Island and South Island should remain the same.

Maori Representation in Parliament and Local Government

Abolish the Maori seats in Parliament. Separate racial representation is totally unacceptable in a Democracy and this includes local government. There is no place for a separate Maori roll and resultant Maori MP in New Zealand.

The Bill Of Rights

It works perfectly as it is so leave it alone.

In conclusion

The foundation of democracy is that all citizens must be equal with no regard to race, religion or gender and all citizens must be treated exactly the same under the law.

Democracy must be based on citizenship and not ethnicity.

If the treaty is enshrined in law the governance of our country will be drastically changed. It is a recipe for apartheid.

Yours sincerely

(Your signature) 

(Your name) JOHN COLIN SPAIN CHANNON

18 June 2013

(Your address) M. CHANNON

WANGANUI WANGANUI

To: The Secretariat
Constitutional Advisory Panel
C/- Ministry of Justice
DX SX 10088
WELLINGTON

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Yours sincerely

(Your signature)

(Your name)

2898

From: John Chant < . >
To: <constitutionalreview@justice.govt.nz>
Date: 7/07/2013 4:13 p.m.
Subject: CAP Submission

Sirs.

In this modern era it is high-time that the gratis Maori seats are abolished along with the Treaty of Waitangi.

The treaty was a document for its time but is irrelevant in the modern era. Iwi have bled the rest of the population white and will continue to do so if allowed.

Let us face facts.

Those who claim to be Maori are, at best, half-caste individuals. Many are fundamentally British with a smattering of Maori blood at best yet they claim access to vast sums via the Iwis whilst they are really in the opposing camp, i.e. Europeans. Their heritage is impossible to establish as no written evidence of their forebears can exist.

Most damning was this snippet provided by Dr. Pita Sharples - Maori have no status in law and hence are indivisible from other New Zealanders.

All peoples should be treated evenly as all have the same rights, privileges and opportunities.

Restore the balance now.

John Chant.

, Aucklan .

2898a

From: John Chant
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 1:00 p.m.
Subject: CAP Submission

Sirs.

This review MUST be chaired by an absolutely independent person. Sir Tipene O'Regan is not suitable as this appears to weigh events to favour Maori interests.

My view is that amongst other issues the Treaty cannot have any bearing on the discussions. This was a document for its time and quelled factional warring. These issues no longer exist so the Treaty is effectively an

outdated and irrelevant document with no bearing on today's New Zealand.

All peoples must now be treated similarly with no bias to any factions. All are New Zealanders and must have equal rights and opportunities which would be denied by the old Treaty.

John Chant.

John Chant, Ak.

1994

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/06/2013 8:49 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Raewyn Chaplow Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Thinking about the NZ
Constitution is a bit mind-blowing for me. I do not get "into" politics as a general rule; it all just seems complicated and frustrating. But as this seems to be such an important issue I wanted to submit a few of my thoughts, however random, simplistic and naïve they may be...

I would like to live in a country where we all get along, where everyone gets a fair go, where hard work is rewarded, and where we can live happy and fulfilling lives.

I think the Treaty of Waitangi is an important document in our Nation's history and we need to acknowledge that. But what does it really mean?? What was the real intent of the English and Māori who signed it? How much of an impact should it have today? Unfortunately I don't have the answers. Often issues surrounding the Treaty cause division and resentment which I think is probably the opposite of it's intended purpose. I like to think it was intended to unite the people of NZ not drive them apart.

It seems there has been unfairness and wrong-doing to varying levels on both sides of the Treaty but how do we move on from the past without more unfairness and wrong-doing? Two wrongs don't make a right!

I like that NZers are able to vote freely for who they want in parliament and on local councils. I do not like the way politicians can make laws that seem to go against a large majority of public opinion or that they can ignore the results of referenda if it doesn't fit their plans. I do not like the way an elected MP can stay in parliament after parting ways with the political party that got him/her into parliament without any say from the voters (particularly List MPs).

Some more random points

- Sensible law making/law makers
- Protection of personal freedoms (though not at the expense of healthy, safe communities)
- Celebrating unique "Kiwi culture" (without excluding the heritage and culture of our multicultural society)
- Protection of national treasures (eg. beaches, National Parks etc.) for all NZers

I'm sorry this is rather disjointed and unsophisticated. I hope I have said enough for you to understand my meaning even though I haven't said it well.

Thank you for taking the time to read this. Ka nui ngā mihi moū.

Sent on the 30 June 2013 at 20:48

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

I am concerned that all our human rights are not adequately protected in New Zealand law.

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

I believe civil and political rights, such as the right to life, cannot truly be achieved without the equal right to work, accessible health care, adequate housing and education, which are enshrined in the concepts of economic, social and cultural rights.

Despite having ratified the International Covenant on Economic, Social and Cultural Rights in 1978, successive New Zealand Governments have failed to fulfill their obligations to respect, promote and fulfil these human rights.

While the Government says economic, social and cultural rights are currently protected by subject specific statutes, current issues involving these rights, such as child poverty, show that the current system is not working to adequately protect our rights. The maze of laws and policies around economic, social and cultural rights make it difficult for New Zealanders to understand and access their rights.

Without a clear framework to guide legislation and policy it also makes it difficult to see if laws policies are actually working to recognise New Zealanders rights. In addition many human rights in New Zealand lack avenues to remedies if they are breached, which limit New Zealanders' access to justice - an essential right of victims of all human rights violations.

I therefore submit the following recommendations:

- The incorporation of economic, social and cultural rights into the Bill of Rights Act 1990;
- The entrenchment of the Bill of Rights Act 1990 so that the weight and importance of these rights is adequately recognised;
- The explicit inclusion of the power for judges to provide remedies when the Bill of Rights Act is violated;
- That New Zealand ratify the Optional Protocol for International Covenant of Economic Social and Cultural Rights, including opting in to its inquiry and inter-state mechanisms, so that New Zealanders have access to an international remedy;
- The establishment of a Human Rights Select Committee to ensure that the impact of legislation on human rights is sufficiently considered;
- The requirement of all levels of Government to take a human rights approach to addressing human rights issues; and
- Increased human rights education initiatives to increase awareness of economic, social and cultural rights.

I believe these recommendations will provide for stronger protections within our constitutional framework for economic, social and cultural rights.

Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty.

New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Ann Marie Chapman
Haumoana
New Zealand

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New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Briana Chapman
Waitakere
New Zealand

2424

From: Leon Chapman
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 8:05 a.m.
Subject: CAP Submission

Please abolish Maori Seats as we should be ONE nation

Leon Chapman

Auckland

915

From:
To: <constitutionalreview@justice.govt.nz>
Date: 27/05/2013 9:25 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: PETER AND IONA CHAPPELL Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: TAURANGA Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: We do not want the Treaty of Waitangi
entrenched in NZ statutes or in any Contitution and any reference should be removed from existing
statutes

Sent on the 27 May 2013 at 09:23

3961

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 4:30 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Zela F. Charlton Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Whangarei Postal Region: Northland Postal Post Code: Postal Country: New Zealand
Submission: 1. I am very concerned at the lack of oversight of Parliament. The function of the select Committees seems to have been weakened by the way the Governmental Party has generally the most numbers and/or the Chair.

In a Unicameral system (and this is not good, to be in the company of Chad etc) we are too often seeing ill-thought-out bills pushed through under urgency without proper consideration.

The apparently common use of 'urgency' seems to have become a political ploy of the 'ruling' party. This has been used by both Labour and by National.

2. The List Members should be elected as well as the main members, or else not given the same voting powers as those chosen by the electorate. Also they should be given some local bases so that people can relate to them better.

3 I would like to see voting made compulsory, as I believe it is in Australia, since there are too many people who do not vote and are therefore likely to feel they are not involved in this country. Money is wasted in advertising, (for example, for the Maori lists) and it does not appear to be effective in getting people to vote.

4. I would like to see a School Subject of 'Civics' to be made compulsory, even though this is not strictly to do with the Constitution, since the general ignorance and disregard of the importance of our Parliamentary System is dangerous to the continuous development of our Democracy.

Submitted on the 28 July 2013 at 16:29

3961a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 4:33 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names:	Zela E. Chanton	Organisation Name:		Email:	zela@ourconstitution.org.nz	Phone:	
	Postal AddressA:				Postal AddressB:		Postal City:
Whangarei	Postal Region:	Northland	Postal Post Code:		Postal Country:	New Zealand	

Submission: 1. I am very concerned at the lack of oversight of Parliament. The function of the select Committees seems to have been weakened by the way the Governmental Party has generally the most numbers and/or the Chair.

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4. I would like to see a School Subject of 'Civics' to be made compulsory, even though this is not strictly to do with the Constitution, since the general ignorance and disregard of the importance of our Parliamentary System is dangerous to the continuous development of our Democracy.

Submitted on the 28 July 2013 at 16:31

3961B

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 4:35 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names:	Zela F Charlton	Organisation Name:		Email:		Phone:	
	Postal AddressA:			Postal AddressB:		Postal City:	
Whangarei	Postal Region:	Northland	Postal Post Code:		Postal Country:	New Zealand	

Submission: 1. I am very concerned at the lack of oversight of Parliament. The function of the select Committees seems to have been weakened by the way the Governmental Party has generally the most numbers and/or the Chair.

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Submitted on the 28 July 2013 at 16:34

4703

From: Claire Charters <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
CC:
Date: 31/07/2013 2:30 p.m.
Subject: Submission to Constitutional Advisory Panel
Attachments: final sub for submission.pdf

To Whom It May Concern:

I attach a submission in relation to Treaty of Waitangi and bill of rights issues from myself, Natalie Coates and Khylee Quince.

Best regards,

Dr Claire Charters
Senior Lecturer
Faculty of Law
University of Auckland
Auckland
New Zealand

Dr Claire W N Charters
BA LLB(Hons) (Otago) LLM (NYU) PhD (Cantab)
Senior Lecturer

Natalie Coates
BA(Hons) LLB(Hons) LLM (Harv)

Khylee Quince
BA LLB(Hons) LLM



THE UNIVERSITY OF AUCKLAND
NEW ZEALAND

Faculty of Law
The University of Auckland

30 July 2013

To Whom It May Concern:

Submission on New Zealand's Constitutional Arrangements: the Treaty of Waitangi and Indigenous Peoples' Rights

Our submission relates most closely to the role of the Treaty of Waitangi in New Zealand's constitutional arrangements and human rights and bill of rights issues. In brief, we encourage:

- the Panel to recommend that New Zealand's Constitution address the legal basis for the transfer of sovereignty to the Crown from Maori iwi to provide clarity and legitimacy to New Zealand's governance and legal structure;
- the Panel to recommend that the Treaty be legally enforceable independent of legislative incorporation of it;
- that the Panel, and any subsequent consideration of New Zealand's constitutional arrangements, take into account relevant comparative and international jurisprudence on the status of treaties under domestic law, as well as the rights of indigenous peoples;
- New Zealand's constitutional arrangements to make a greater space for the practice of tikanga Maori; and
- the establishment of legal mechanisms to protect human rights and Maori rights against legislative breaches of those rights.

Treaty of Waitangi

1. The legal basis for the transfer of sovereignty from Maori iwi to the Crown remains unclear and uncertain.¹ As is well accepted, for example, the Treaty itself does not conclusively cede sovereignty to the Crown, especially given that, as a matter of international law, the Maori text of the Treaty is to take priority.² Nor could it now be accepted that the South Island was "discovered" given that that would suggest New Zealand was "terra nullius" at the time, which it clearly was not. Assertions, by proclamation, of sovereignty by agents of the Crown are also a tenuous basis on which to rest the question of sovereignty in New Zealand. Equally, legislative assumptions related

¹ F M Brookfield *Waitangi and Indigenous Rights: Revolution, Law and Legitimation* (Auckland University Press, Auckland, 1999).

² This is in accordance with the international law principle of *contra proferentem*.



to sovereign power, reflected in legislation such as the Constitution Act 1986, do not address, from a legal perspective, the legal source of legislative power over New Zealand. Until the source of legal power in New Zealand is addressed, the legitimacy of that power will be undermined and questioned.

2. The orthodox legal position is that the Treaty of Waitangi is unenforceable unless incorporated into legislation, and there are relatively few references to the Treaty in legislation. This means that, in practice, Maori cannot consistently rely on the Treaty to defend their rights under the law, especially where legislation is in breach of the Treaty. Constitutional conventions and practices that, for example, require Ministers to consider Treaty rights when preparing bills inadequately protect Treaty rights,³ especially when Treaty rights conflict with the will of the majority.⁴ The Waitangi Tribunal's power to declare Crown actions inconsistent with the Treaty is inadequate as the Tribunal can only make recommendations. We encourage the Panel to recommend that the Treaty, as the founding document of our Nation, be legally enforceable independent of legislative incorporation of it.
3. The role of the Treaty of Waitangi in New Zealand's constitutional arrangements, and the legal protections that should be afforded to indigenous peoples in a modern and democratic society, might be informed by approaches to similar issues in other comparable states. For example, Canada's Constitution Act 1982 includes recognition and affirmation of aboriginal and Treaty rights.⁵ In the United States, the inherent sovereignty of American Indians is recognised. Further, treaties between indigenous peoples and the US have the legal status of federal legislation and are upheld by the courts.⁶
4. Equally, the Declaration on the Rights of Indigenous Peoples should inform New Zealand's approach to its constitutional arrangements as they relate to Maori. New Zealand has supported the Declaration and it embodies a global consensus on the rights of indigenous peoples under international law and policy. New Zealand risks increased criticism by international human rights mechanisms while its constitutional arrangements continue to fall short of international standards.
5. The Supreme Court has also expressed the view that the Declaration does not add significantly to the principles of the Treaty.⁷ In other words, from the Court's perspective, the Treaty reflects the rights and freedoms expressed in the Declaration.
6. New Zealand's constitutional arrangements should make greater legal space for the practice of Maori customary law, shared jurisdiction and power. Inspiration for such arrangements can be found in Canadian contemporary treaty making, in the United States' on-going recognition of

³ New Zealand Cabinet Manual, Rule 7.60.

⁴ Claire Charters "Responding to Waldron's Defense of Legislatures: Why Parliament Does Not Protect Rights in Hard Cases" (2006) 4 NZL Rev 621.

⁵ Section 35.

⁶ *State of Washington v Washington State Commercial Passenger Fishing Vessel Association* 443 US 658 (1979).

⁷ *New Zealand Maori Council v Attorney General* [2013] NZSC 6.



American Indian inherent sovereignty and international legal norms related to indigenous peoples' self-determination.

The lack of legal protections for Maori rights and human rights

7. Maori constitute a minority in New Zealand. Until there are stronger legal protections for human rights, Treaty rights and indigenous peoples' rights, Maori rights remain subject to the will of the majority. History has shown that this has led to the subordination of Maori rights to majority interests in legislation with no legal recourse available to Maori to defend their rights. In fact, formally, based on our current constitutional arrangements, the legal protection of rights in New Zealand is one of the weakest in the world. We hope that the Panel's recommendations reflect the need to strengthen these rights within New Zealand's Constitution.

Please do not hesitate to contact us should you like any more information on the above submission.

Yours sincerely,

Dr Claire Charters
Senior Lecturer

Natalie Coates
Lecturer

Khylée Quince
Associate Dean (Maori)

133

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 10:05 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Will Catherine Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Pakuranga Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: I feel we should have less MPs but they should be paid twice as much which
would make the concept of doing this line of employment more appealing for professionals who could
earn about the same or more who are more intelligent. Also if Stephen Tindall
getting paid millions of dollars each year

how do they counteract corruption should he have been Knighted for ruining all New Zealand's small
businesses I don't think so! Well that's some ideas to throw around. Ka kite ano

Sent on the 8 April 2013 at 21:03

3776

From: "Peter Chatterton" <
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 5:55 p.m.
Subject: CAP Submission

Dear sir,

I would like to register my view that New Zealand should not operate the Maori seats as they encourage continue seperatism which we have seem unfolding for the last 20 years or more.

One vote for one candidate open to all voters irrespective of their race.

Yours faithfully,

Peter Chatterton

4342



From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:21 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Name: Tricia Sheel Organisation Name: Email:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: IF IT AIN'T BROKE THEN DON'T FIX IT!

New Zealand can be proud of the way we have developed as a nation and rather than emulate other nations why don't we value what we have.

A single written down constitution just makes it easier to be changed by any well financed force.

Imagine if Hone Heke had 3 flagpoles to chop down instead of just one . . . ?

We have a nice flexible balance . . . like a 3-legged stool rather than just a pedestal . . . much more stable and yet able to roll with the punches.

The legs are firmly place in the Treaty of Waitangi:

the Magna carta:

and our democracy.

Why change that?

We are evolving and growing with the times, in a measured and thoughtful fashion.

We have the opportunity to examine mistakes that we may make and change without suffering huge disruption and unrest that abrupt changes to a written constitution could bring as misguided lawmakers of the future or political opportunists could radically alter the landscape it they only have to concentrate on one target.

The replacement of the Privy Council with our own Supreme Court is a case in point (and the lowering of the drinking age). It may prove to be a misguided step since the population of NZ is said to operate on only 2 degrees of separation and I have always felt that a court on the other side of the world, firmly based on the same principles as our own, and with a far greater population base, will deliver a better more impartial result. This may well prove to be correct in time and yet as it plays out there is not a great deal of disruption to the fabric on NZ society.

The Treaty of Waitangi is the founding document of NZ as far as I am concerned;

and with that is the partnership with Wikitoria and from that is derived all the principles of law that have stood the test of time and evolved into a system of government that is envied by many.

We need to honour and build on these rather than yearn for less successful systems and ape their failures - who needs it? - like nuclear power.

All while the British Royal Family is happy to play out their roles then why shouldn't we take advantage of the protection it offers to us as individuals?

Leave the Queen as Head of State since NZ'ers decide her representative anyway while the position offers a buffer against someone like our present Prime Minister exceeding his powers.

The Courts need only deliberate on whether legislation is consistent with the Treaty of Waitangi and the Magna Carta at the highest level.

That is enough.

It concerns me greatly that people who have lived even less than half their lives keep coming up with 'good ideas' (like lowering the drinking age) and put the whole country through hoops while they single-mindedly push to see them realised . . . for their own satisfaction or self-aggrandisement?

Leave well enough alone.

Build carefully on the firm foundation we have;

like the NZ flag;

keep the Southern Cross and Union Jack - it's who we are and where we've come from:

but ADD something that establishes the claims of Tangata whenua if they so desire that would make it more distinctively NZ compared to Australia's.

I pinch myself everyday to realise how lucky I am to have been born in NZ. There are certain things I would like to change and I am very appreciative that there is the flexible framework that makes this possible. Radical change may be difficult in this set up but surely this is far preferable to the suffering wrought by such upheavals as are happening in many countries right around the world today . . . if they all have written constitutions as is claimed then they're not offering much protection to the people!

Rather than seeking to have a constitution written in a single document, making it an easier target, why not spend this time, money and effort on examining how our sovereignty is being undermined by 'harmonisation' and other euphemism that mean that we are handing over power over our basic human needs, like food and water, to overseas interests?

Reaffirm that we fought against fascism and totalitarianism in WWs and that since the 1950's that has been increasingly forgotten as we mass medicate populations with fluoride and do other nationwide experiments that trample over our right to determine what

we put into our own bodies?

Rather than condemn Syria for using chemical weapons against it's own people let's examine how we continue to douse our own population with derivatives of these same weapons in the name of weed and other pest control . . . these weren't around at the time of the signing of the Magna carta but certainly would be covered by the principles if the multinationals hadn't managed to pull the wool over the eyes of successive governments and misrepresented the sense and safety of using them.

We managed to resist the sales pitches for nuclear power so there is still hope that we will realise as a country the enormity of the harm that has been done by embracing the yarns big business likes to spin.

God Defend New Zealand

and let us get back to righting the wrongs;

rather than wronging our rights.

Cheers,

Tricia Cheel.

Submitted on the 31 July 2013 at 01:20

2397

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 5:05 a.m.
Subject: CAP Submission

My wife and I strongly support the abolition of the Maori seats on the grounds that they have no relevance whatsoever in today's politics.

Perhaps there was a rational reason for them when first established in 1867 as a temporary measure but not now when, without them, there would be equality for all races in the current political system.

The presence of these seats, in fact, represents a system of Apartheid that is foreign to the majority of right minded New Zealanders.

For goodness sake see the sense in getting rid of any form of racial preference and let us live as one nation, all with equal rights.

John Cheeseman